

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ST. LOUIS COUNTY,)
)
 Plaintiff,)
)
 v.) Case No.: 4:20-cv-00655 RLW
 HOUSE OF PAIN GYM SERVICES,)
 LLC, F FOUR, LLC, d/b/a "House of)
 Pain Gym" and "House of Pain",)
)
 Defendants.)

DECLARATION OF JOSEPH L. CORBETT IN SUPPORT OF DEFENDANTS'
AMENDED DISCLOSURE OF ORGANIZATIONAL INTERESTS CERTIFICATE

In support of Defendants' Amended Disclosure of Organizational Interests Certificate (Doc. #16), I Joseph L. Corbett, hereby declare as follows:

1. I am making this declaration on behalf of myself and for the limited liability companies named as Defendants in this action. I am over the age of twenty-one and I have personal knowledge of the facts set forth in this declaration. If called and sworn as a witness, I could testify competently as to the statements contained herein.

2. I am resident of Lakewood Ranch, Florida.

3. I own a home in Lakewood Ranch, which is my primary residence. Although I also own a house in Missouri, I spend the vast majority of my time in Florida. My house in Missouri is listed for sale and has been since January of 2020. My intent is to continue to make my home in Florida permanently and indefinitely.

4. I am registered to vote (and I do vote) in Florida. I have been registered to vote in the State of Florida for, to the best of my recollection, four or five years now.

5. My motor vehicles are registered in the State of Florida.

6. I have a Florida driver's license.

7. I have a Florida concealed carry license.

8. I belong to the Our Lady of Lourdes Catholic Church in Venice, Florida.

9. I maintain a social membership in Florida with Country Club East.

10. I maintain bank accounts in Venice, Florida near my home.

11. Florida is my state of residence on all my personal federal and state tax returns, and has been for the last four or five years.

12. I am the sole member of F Four, LLC, the Florida limited liability company (Doc. No. L16000207462) at issue in this case which maintains a principal place of business in the State of Florida.

13. F Four, LLC is a manager managed limited liability company. I am also its sole manager.

14. F Four, LLC is also registered as a foreign limited liability company with the Missouri Secretary of State (FL001422548).

15. F Four, LLC owns fictitious name registrations (sometimes referred to as "d/b/a's") for the names "House of Pain Gym" and "House of Pain."

16. F Four, LLC is the sole owner and operator of the gyms that are at issue this action, one of which is located in the City of Chesterfield, Missouri, and the other of which is located in the City of Maryland Heights, Missouri.

17. House of Pain Gym Services, LLC is technically organized under Missouri law as a limited liability company (Charter No. LC001659191).

18. House of Pain Gym Services, LLC was also set up as a manager-managed limited liability company and I am the manager.

19. House of Pain Gym Services, LLC is 100% owned by F Four, LLC, a Florida limited liability company, which is 100% owned by me, a Florida citizen and resident.

20. House of Pain Gym Services, LLC was originally formed with the idea of it being a gym management consulting business, but that has never materialized. It is a dormant legal entity, a shelf company, and it conducts no business of any kind.

21. House of Pain Gym Services, LLC does not own or lease either of the properties the Plaintiff is seeking to close by this lawsuit.

22. House of Pain Gym Services, LLC does not employ any person who works at any gym, or any person at all for that matter.

24. House of Pain Gym Services, LLC has not engaged in any transaction, business or conduct described in the Plaintiff's lawsuit.

25. The indefinite closure of F Four, LLC's (i.e., my gyms) sought by the Plaintiff in this case, would result in financial ruin for F Four, LLC and me personally, in the form of lost business, lost membership, lost revenue, loss of the considerable investment of money in the two gyms I have made through F Four, LLC, continued incurrence of unavoidable business expenses, combined with the cost of mandatory COVID-19 testing, if ordered by the state court, all of which would cause F Four, LLC, and me, personally, to suffer monetary damages well in excess of \$75,000.00.

26. The value of the interest the Plaintiff is seeking to deprive F Four, LLC, and me, personally, of in this case, is at least several hundred thousand dollars.

27. By way of example, and not limitation, F Four, LLC's base rent obligation for the Maryland Heights gym is \$227,000.00 annually. I have invested at least \$150,000.00 in equipment for the Maryland Heights gym alone – which I just opened in the first quarter of 2020 before the

Government ordered it shut down and now wants to shut down again indefinitely. I also have approximately \$27,000.00 to \$30,000.00 (USD) of custom designed equipment (i.e., designed specifically for my gyms) coming from Italy in the next two or three weeks. I just paid for that equipment.

28. F Four, LLC's monthly mortgage payment for the Chesterfield gym is \$5,000.00.

29. F Four, LLC's projected monthly gross revenue loss if the gyms are shut down will be about \$45,000.00.

30. F Four, LLC's, and my, investment in the equipment used at the Chesterfield gym is at least \$200,000.00.

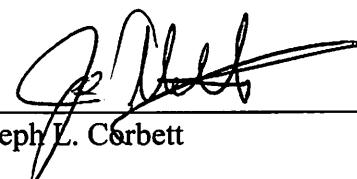
31. Moreover, competing gyms in St. Charles County are open for business. Some of those major competitors are just a few miles away from the Chesterfield gym in particular. The reality is that the gym members need a suitable place to exercise and train, and if my gym is closed, they will have to go elsewhere and F Four, LLC (and I) will lose that business.

32. If F Four, LLC's gyms are ordered closed, that will be a financial death sentence for my business.

33. This declaration was prepared at my direction. I have read it, and the facts set forth herein are true, accurate and complete.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 19th day of May, 2020.



Joseph L. Corbett